IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2181 OF 2004

Naresh Mohanlal Mehta .. Petitioner
Vs.
Jagdishchandra Vishwanath Rairkar & Anr. .. Respondents.

Mr.K.K.Tated for the petitioner.
Mr.N.V.Walwalkar with Mr.R.P.Gurjar for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 21ST FEBRUARY, 2005

P.C.:

. Heard Mr.Tated, learned counsel for the petitioner and Mr.Walwalkar, learned counsel for the respondents.

2. This petition is directed against the concurrent findings recorded by the courts below in the proceedings arising out of Exhibit 5 application filed by the respondent-plaintiff. Exhibit 5 application was allowed by the trial Court and that order was affirmed in the Miscellaneous Appeal filed by the present petitioner by the impugned judgment and order dated 15.9.2003. Though, the notices were issued by this Court, no ad-interim order was

passed. It appears that the trial Court had granted ad-interim injunction on 27th March, 2003 which was confirmed by the appellate Court by its judgment and order dated 21.4.2003. It is thus clear that since March 2003 the injunction is running against the petitioner. Keeping that in view and considering that there are concurrent findings recording by the courts below, in my opinion, the appropriate course would be to direct the trial Court to dispose of the suit within time frame.

(a) The trial Court shall endeavour to dispose of Regular Civil Suit No.439 of 2003 as expeditiously as possible and preferrably within a period of one year from the date of receipt of this order uninfluenced by the observations made by the courts below in the proceedings arising out of Exhibit 5 application.

(b) The trial Court shall decide the suit uninfluenced by the observations made by the courts below while deciding the application ‘Exhibit 5’.

. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)